

Decision No. 91183 JAN 8 - 1980

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

CALIFORNIA COMMUNITY TELEVISION)
ASSOCIATION, INC.,)

Complainant,)

vs.)

PACIFIC GAS & ELECTRIC COMPANY,)

Defendant.)

Case No. 10651
(Filed August 21, 1978)

ORDER GRANTING PETITION TO INTERVENE ✓

On September 25, 1979, the Commission issued its interim opinion, Decision No. 90832, setting rates for the attachment of cable television facilities to the solely owned poles of the Pacific Gas and Electric Company (PG&E). An application for rehearing was filed October 15, 1979, by complainant California Community Television Association, Inc. (CCTA). Also on October 15, 1979, the National Cable Television Association, Inc. (NCTA) filed a petition to intervene and a memorandum in support of rehearing of Decision No. 90832. On October 30, 1979, PG&E filed a pleading opposing NCTA's petition to intervene.

In its opposition PG&E points to the language of Rule 53, which provides in part:

"...a petition [to intervene] shall be served and filed by the petitioner at least five days before the proceeding is called, except for good cause shown."

This proceeding commenced August 21, 1978, with the filing of the complaint. Since that time four days of evidentiary hearings

have been held. Prehearing conferences have been held on three days. A proposed report has been prepared, exceptions and replies to exceptions have been filed, and an interim decision has been issued. It is very late in this proceeding for the injection of new parties.

Moreover, NCTA does not represent any interests that are presently unrepresented or that will be directly affected by this proceeding. The California members of NCTA are presumably the same cable television corporations represented by CCTA, and its non-California members have no direct interest in the proceeding because this proceeding can have no direct effect upon them. Non-California members of NCTA do not pay PG&E rates or the rates of any other California public utility.

The most crucial consideration is that NCTA and CCTA represent virtually identical interests, yet NCTA seeks to call and cross-examine witnesses, file briefs, and participate in oral argument. Thus, two parties representing nearly identical interest will be aligned against PG&E. This multiplication of parties cannot fail to lengthen the proceeding.

In later contacts with the Administrative Law Judge, NCTA agreed to limit its participation to oral argument and the filing of briefs. Such participation by NCTA will not unduly burden the record and will allow us the benefit of NCTA's analysis of the evidence presented.

The Commission concludes that the petition of NCTA to intervene should be granted, but that its participation should be limited as indicated above.

IT IS ORDERED that the petition of National Cable Television Association, Inc. (NCTA) to intervene in Case No. 10651 is granted; however, NCTA's participation shall be limited to oral argument, if any, and to the filing of briefs.

The effective date of this order shall be thirty days after the date hereof.

Dated JAN 8 - 1980, at San Francisco, California.

John E. Bayan
President

James L. Stinson

Michael J. Howell

Charles J. Delisle

Lawrence J. ...
Commissioners